

**ZB# 01-19**

**Greg Mirecki**

**51-1-82.11**

Prelim.

June 11, 2001.

Notice for Public  
Hearing granted

Public Hearing:

June 25, 2001.

Interpret as  
single family  
house.

Refund:

\$176.00

#01-19 - Mirecki, Gregory

Use - 51-1-82.11

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Mirecki, Gregory

FILE# 01-19.

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

\* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*Paid Ch. # 225  
6/13/01.  
paid ch # 226  
6/13/01.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/11/01 - 6 .. \$ 27.00

2ND PRELIMINARY- PER PAGE 6/25/01 - 6 .. \$ 27.00

3RD PRELIMINARY- PER PAGE ..... \$     

PUBLIC HEARING - PER PAGE ..... \$     

PUBLIC HEARING (CONT'D) PER PAGE ..... \$     

TOTAL ..... \$ 54.00.

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: ..... 6/11/01 ..... \$ 35.00.

2ND PRELIM. .... 6/25/01 ..... \$ 35.00.

3RD PRELIM. .... \$     

PUBLIC HEARING. .... \$     

PUBLIC HEARING (CONT'D) ..... \$     

TOTAL ..... \$ 70.00.

MISC. CHARGES:

..... \$     

TOTAL ..... \$ 124.00

LESS ESCROW DEPOSIT ..... \$ 300.00.

(ADDL. CHARGES DUE) ..... \$     

REFUND DUE TO APPLICANT .. \$ 176.00.

Date ..... 1/11/01 .....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Gregory Miricki DR.

17c Water wheel Drive,  
Montgomery, Ny 12549.

[illegible]

GREGORY MIRECKI  
17 C WATER WHEEL DR.  
MONTGOMERY, NY 12549-1235

226

Date 6/13/01

50-7131/2219

Pay to the Order of Town of New Windsor \$ 300.00  
Three hundred Dollars

**walden**  
SAVINGS **bank**

Washingtonville Office  
P.O. Box 283  
131 East Main St., Washingtonville, NY 10992

For ZBA #01-19.

Gregory Mirecki

⑆221971316⑆06 03 054366⑈ 0226

GREGORY MIRECKI  
17 C WATER WHEEL DR.  
MONTGOMERY, NY 12549-1235

225

Date 6/13/01

50-7131/2219

Pay to the Order of Town of New Windsor \$ 50.00

Fifty Dollars

**Walden**  
SAVINGS **bank**

Washingtonville Office  
P.O. Box 263  
131 East Main St., Washingtonville, NY 10992

For ZBA #01-19.

*Gregory Mirecki*

⑆221971316⑆06 03 054366⑆ 0225

In the Matter of the Application of

**GREG MIRECKI**

**MEMORANDUM OF  
DECISION GRANTING  
INTERPRETATION**

#01-19.  
-----X

**WHEREAS, GREG MIRECKI**, residing at 17 C Water Wheel Drive, Montgomery, N. Y. 12549, has made application before the Zoning Board of Appeals for an Interpretation of a proposed single-family residence to be constructed on Beattie Road in an R-1 zone; and

**WHEREAS**, a public hearing was held on the 25th day of June, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared with his wife on behalf of this Application; and

**WHEREAS**, there were four spectators appearing at the public hearing; and

**WHEREAS**, there were no opposition by the two spectators who spoke; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The parcel is a residential vacant parcel located in a neighborhood of one-family homes. I

(b) The Applicant states that he wishes to construct a second kitchen so that his mother can reside on the premises.

(c) The Applicant states that there are no lockable doors between the two areas containing the kitchens and there are no separate entrances.

(d) Applicant states that there is only one meter for utility purposes on the premises.

(e) Applicant also states that he has no intention to ever rent out the lower area of the dwelling as an apartment and so stipulates that fact.

(f) Applicant also states that he has no intention of ever subdividing the property.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. That the proposed construction of a single-family dwelling on a residential lot located on Beattie Road and known and designated as tax map Section 51, Block 1, Lot 82.11 is, in fact, a proposed single-family residence.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor Interprets the use of a residential lot on Beattie Road (51-1-82.11), as a proposed single-family residence in an R-1 zone.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 13, 2001.

  
Chairman



06/25/01

Public Hearing: Mirecki #01-19

Name:

Address:

no objection  
Wanted to know  
where they are  
in conjunction

Ron + Kim Lodico 75 James Wilkinson RD  
Rock Tavern, NY 12575  
of their residence.

JOHN COFFEY

3 WAGNER DRIVE

ROCK TAVERN, NY 12575

no  
objection

PAUL SHERMAN 542 BEATTIER RD

ROCK TAVERN, NY 12575

Date ..... 7/7/01 .....

**TOWN OF NEW WINDSOR**  
TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
..... 168 N. Drury Lane .....  
..... Newburgh, N.Y. 12550 .....

DATE		CLAIMED		ALLOWED	
7/25/01	Zoning Board Mtg	75	00		
	Misc - 4				
	Steiner - 1				
	Maldonado - 2				
	Mucci - 2				
	Bila - 3				
	Pecerno - 2				
	Marshall - 1				
	Hofing - 3				
	Lawrence/Lorenzen - 11				
	DeFazio - 2	220	50		
	Thomas - 2	295	50		
	Morris - 2				
	49				

MIRECKI, GREG

Mr. and Mrs. Greg Mirecki appeared before the board for this proposal.

MR. TORLEY: Request for interpretation of single-family residence to be constructed on Beattie Road in an R-1 zone.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter?

MS. CORSETTI: We sent out 26 notices. On June 14, I sent out 26 notices to adjacent property owners.

MR. TORLEY: So what is it that's causing you the problem?

MR. MIRECKI: We want to build a one-family house which my mother will be living in, she'll have her own kitchen, utility area or bathroom. We plan to have one heating system, air conditioning system, one meter.

MRS. MIREKI: We're sharing the utility room, the deck, there's one front entrance.

MR. TORLEY: So we have a single entrance, a living area that's not locked away from the other area, single power meter?

MRS. MIREKI: Yes.

MR. TORLEY: Just happens to be for your mother?

MR. MIRECKI: Yes.

MRS. MIREKI: We have no intentions of renting it out.

MR. TORLEY: And you'll stipulate to that?

MR. MIRECKI: Yes.

MRS. MIREKI: Yes.

MR. KRIEGER: You do know that stipulating to that

means that years from now if you change your mind or you sell it to somebody else, they're bound?

MRS. MIREKI: Yes.

MR. KRIEGER: That decision has already been made.

MR. MIRECKI: Correct.

MR. TORLEY: So it's merely your intention to have your mother live--

MR. MIRECKI: My mother.

MR. TORLEY: --live with you due to her age or infirmity?

MR. MIRECKI: Yes.

MR. TORLEY: Gentlemen, do you have any questions at this point?

MR. KANE: No, open it up to the public.

MR. TORLEY: I'll open it up to the public. Do you wish to ask any questions on this?

MS. KIM LODICO: Kim Lodico, we just wanted to know where they're going to be and where we're going to be, we're--

MS. CORSETTI: You're on James Wilkinson in Rock Tavern.

MRS. MIREKI: We're going to build 150 feet back and we have 900 feet of property.

MR. TORLEY: You're on the other side of the woods.

MS. LODICO: I was just curious.

MR. TORLEY: They're putting up a single family house. Anyone else?

MR. JOHN COFFEY: My name is John Coffey, I live at 3

Wagner Drive and I believe my property's contiguous to your lot but I'm here because I'm not sure and I did get the notice and I just wanted to find out what the entire plan was for building whether it's a single home, whether it's going to be subdivided where we are in the process, you know, have things gone to the planning board, I just don't know where, I'm just curious, we'd like to know how much information I could get tonight.

MR. TORLEY: This is a single family house on one lot, you have no intention of subdividing, the road frontage is 200.

MR. BABCOCK: 210.

MR. TORLEY: And it's a five acre lot.

MR. COFFEY: It's the Rinaldi lot.

MR. BABCOCK: They want to build a one-family house but they have two kitchens in the one-family house so they had some information that when they brought it to the building department, we felt that it might be considered a two-family house and you're not allowed to have a two-family house in that area and they have explained to the board it's a second kitchen for his mother. So basically, that's what they want to do.

MR. COFFEY: My concern was with the flag lot building and not knowing what was happening, that was my big concern.

MR. MIRECKI: We didn't have any intentions to subdivide, rent out or anything like that.

MR. COFFEY: In the common drive, do you share that drive with another?

MRS. MIREKI: No, we'll have our own driveway.

MR. TORLEY: There's 200 foot road frontage. You're at three and--

MR. COFFEY: Yeah, I'm at 3.

MR. TORLEY: And it's not the flag lot, it's this large lot here.

MR. TORLEY: This should be vacant now, right?

MRS. MIREKI: No, there's a shack there.

MR. TORLEY: Do you remember we had that, evidently, Mr. Digeratu asked for a variance on the flag lot and we turned him down. He's doing something?

MRS. MIREKI: He's there in the summer and there's a mailbox there, mail gets delivered.

MR. BABCOCK: I think he got the variance, Larry.

MR. TORLEY: He was going to put the weird house back there on the flag lot, he had no water, sewer, he was camping out, basically.

MR. BABCOCK: Okay, I know where you're talking about, I'm on a different lot.

MR. TORLEY: Last time I noticed for a while there, the mailbox was gone but it's back up now?

MR. MIRECKI: Yes.

MR. TORLEY: So you have no objection to this?

MR. COFFEY: No, I don't, I'm the second parcel there.

MR. TORLEY: Is there anyone else who wishes to speak?

MR. PAUL SHERMAN: Paul Sherman, I live at 542 Beattie Road which would be right across the street. I'm curious about what the, should this family leave, could that ever been turned into because of this arrangement, for example, a bed and breakfast?

MR. TORLEY: No, absolutely not, the owners are stipulating that this is just a one-family house and it will not be attempted to be marketed as anything but a one-family house merely that they're having his mother

living with him.

MR. KANE: Put it this way, not legally.

MR. KRIEGER: One of the things you should be aware of with respect to bed and breakfast, there are a set of laws in New Windsor covering that very thing, the establishment of a bed and breakfast and this application is nowhere close.

MR. KANE: One of the reasons the board looks and Mike will bring it when he sees the two kitchens being separated, although that's old style family to have the summer kitchen and winter kitchen, we make sure it's on one meter, one bill coming into the house so there can't be two meters or in any way or shape or form indicate that it is a two-family house.

MR. TORLEY: You're requesting a stipulation to that effect which is binding on them and any succeeding owners to the property.

MR. SHERMAN: Yeah, I suppose that too, was the secondary concern then that this might somehow in the hands of other owners be a bed in addition to a residence, a rental property as well and that was--

MR. KRIEGER: Not legally.

MR. TORLEY: So you have no objections to this?

MR. SHERMAN: No, not under these circumstances.

MR. TORLEY: Anyone else wishes to speak? Then I'm going to close the public hearing, open it back up to the board.

MR. RIVERA: I just had a question, the doorway, the separation between the existing and what you plan on is that going to be a sliding door type thing, no lock?

MRS. MIREKI: No lock, it's not existing, there's no house there. When we build it, it's going to be a laundry room and there will be no lock on the doors on both sides.

MR. MC DONALD: Make a motion we grant the variance for the request that we're--

MR. KRIEGER: Motion to interpret--

MR. TORLEY: That the proposed residence is in fact a single family residence and has been so stipulated by the owners.

MR. MC DONALD: So moved.

MR. KANE: Under one gas meter, one electric meter.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE



Date 7/7/01

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
6/11/01		Zoning Board mtg	75 00	
		Misc. - 2		
		Bibles - 3		
		DeFazio - 3		
		Misrecki - 6 21.00		
		Lawrence Lorenzen - 3		
		Lorgan - 3		
		Bittles - 4		
		Thomas - 3		
		Morris - 7		
		Zupitza - 4		
		38	171 00	
			246 00	

MIRECKI, GREGORY

MR. TORLEY: Request for use variance to construct two-family residence in R-1 zone at Beattie Road.

Gregory and Jennifer Mirecki appeared before the board for this proposal.

MR. TORLEY: Tell us what you want to do. Let me tell you something up front. We do everything by State law. The State government has made what you want to get which is a use variance, saying that you want to do something that you're not actually permitted to do by law in the zone. They made such use variances, as opposed to an area variance like the previous ones, they made use variances very difficult to get. And our attorney will give you the criteria that you must meet in order to obtain. And they are not impossible but they can be very difficult. Tell us what you want to do.

MR. MIRECKI: Basically, we want to build a house that my mom is going to be living in with her own wing, her own living area, her own kitchen, whatever that most people have.

MRS. MIRECKI: And I guess that's what makes it a two-family. There are no mother/daughter situations in the Town of New Windsor; right? It's just considered two-family dwellings?

MR. McDONALD: Is it going to be a single meter or two separate meters?

MRS. MIRECKI: Single.

MR. TORLEY: If it is considered a two-family home, then you're going to have more problems. To make it a one-family home, the code is unclear on this really. If a single meter, single electric meter, if the building is not divided permanently, things like that --

MR. KANE: For instance, lockable entrances from one section of the house into the other section of the house, we don't want to change that nature of that. So, you wouldn't have a separate entrance and then no way to get to the other part of that house.

MRS. MIRECKI: Okay.

MR. KANE: Other than that, we've already kind of considered with one meter being a single-family house under those circumstances. What Larry was saying with a use variance was, basically, if you wanted to build a one-family house in that area you wouldn't have a problem. Two-family house you would have to show us that you couldn't sell your single-family house for a reasonable return, which does not mean a profit, it means a reasonable return, you couldn't sell it for a one-family house. And you would have to prove that to us. That's what makes it so difficult in your situation.

MRS. MIRECKI: In our head, we don't want a two-family house. When we submitted our plans, it was called a two-family house.

MR. KRIEGER: What the board is concerned about is not the use of that second unit now, it's whether it can be used at sometime in the future to rent out as an apartment. If it's a separate freestanding apartment that can be rented out, that makes it a two-family house. If your mother is living with you, you're allowed to have family members living with you. That doesn't make it a two-family house. So, it's not right now, they're concerned in the future. That's why they're concerned as Mr. Kane said about whether it's lockable inside. Whether it can operate as an independent unit which then you could rent out sometime in the future when you no longer needed it for the use for which you intended. That is the concern. If you simply want to have your mother live with you and you want to have two kitchens or similar combination, provided there isn't locking or lockable access within the house that would allow you to separate that out, then what you want to ask for is a --

MR. TORLEY: Nothing. An interpretation.

MR. KRIEGER: -- interpretation.

MR. MIRECKI: When you say lockable, would that entail, let's say, if we have a room here and then my mom's part here, what if we had a door between those two rooms?

MR. KANE: Non-lockable door.

MR. MIRECKI: Right.

MR. McDONALD: You have a door on the plans between the utility room and kitchen.

MRS. MIRECKI: Right.

MR. McDONALD: That has to be a non-lockable door.

MRS. MIRECKI: And if that was non-lockable, then there wouldn't be a problem?

MR. TORLEY: Right. Now, one of the other things which we want to have on the record is a declaration on your part that this would be just a single-family including your mother or other relatives.

MRS. MIRECKI: Right.

MR. BABCOCK: One of the things that's going to happen, when you go to the building department, and you look at these plans it shows as a two-family house because you have two separate living units. You're coming here tonight and you're going on record tonight with the court stenographer, which is going to go in your file, saying exactly what you're going to use the building for. So that if you don't use it what you say use it for, now we have a way of processing or violating you for not doing that.

MRS. MIRECKI: Right.

MR. BABCOCK: So if these very gentlemen tonight say that if you don't have lockable doors, then you're all set, then you can go back to the building department, get you building plans, build your house. As long as you do what you're saying you're going to do tonight and the approve it, everybody is happy.

MR. KANE: Well, we wouldn't be able to do that tonight anyway because that has to be done under a public hearing; correct?

MR. TORLEY: Public hearing, yes.

MR. KANE: So, we would have to set them up for a public hearing and do for an interpretation.

MR. TORLEY: That's correct.

MR. KANE: You would get failed by the building department, that's the only way you come before us.

MR. TORLEY: You now going to come and ask for an interpretation. You're appealing the building department's decision, and you're going to show us at a meeting, a public hearing, that this is, in fact, a one-family house.

MRS. MIRECKI: Does that go on the C.O. or something when you said we have to go on record?

MR. KANE: Yes.

MRS. MIRECKI: The C.O. will say as long as a family member?

MR. KRIEGER: You'll get a C.O. for a one-family house. If you don't already have it, that's what you'll get. But in the future, remember, I told you it's not so much now, it's in the future? What the building department is concerned about is, suppose they receive complaints, typically, from neighbors indicating that there are cars going in and out and it seems to be being operated as a two-family home, they don't want to go in and see this separate apartment there, you know? Now, if they didn't have your declaration on the record, they would have a problem. We see that, but is it or is it not a two-family home; it becomes a close question. Here having your declaration, we're not going to do that.

MR. MIRECKI: Right.

MR. KRIEGER: It would bind you and it would bind successive owners of the house.

MR. MIRECKI: Okay.

MR. KRIEGER: They can simply come in and say this is what I saw and this is your declaration is. It makes it a lot easier, a lot more clear cut.

MR. TORLEY: Whatever happens on this, or for any of your applications, follows the property. If you sell, those restrictions or variances go long with the land.

MR. MIRECKI: Okay.

MR. TORLEY: Personally, I've never had a problem with

people keeping their mother or mother-in-law. You're obeying a code a whole lot older and higher authority than our zoning codes are.

MR. REIS: If I may suggest or add to those comments, folks. I'm assuming your folks are in their 50's or 60's?

MR. MIRECKI: Just my mom. She's just turning 60.

MR. REIS: My point being is in 2070 she might not be here, okay? And you're not going to have the ability to "rent this out" to me or him.

MRS. MIRECKI: Okay.

MR. REIS: That's not going to be a legal use.

MR. MIRECKI: Correct.

MR. REIS: So you'll have to deal with that.

MRS. MIRECKI: At that point, if we wanted, we could take a kitchen out.

MR. TORLEY: Yes.

MR. REIS: You're intending to have one heating system for the whole house?

MR. MIRECKI: Yes. All one bill.

MR. KANE: That's what we look for.

MR. TORLEY: That's what we need on the record to show that it really is a single-family house. So you're going to be withdrawing the application for a use variance and asking for an interpretation.

MR. KANE: That's the way it's got to go.

MR. BABCOCK: That should have been wrote up use variance and/or interpretation.

MR. KANE: Mr. Chairman, I would like to move that we set up Gregory Mirecki for a public hearing on his request for an interpretation.

MR. REIS: Second.

ROLL CALL

MR. RIVERA	AYE
MR. McDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: When you do come in, you have the plans, photographs. As I said, make sure you talk to your neighbors.

MR. MIRECKI: Sure. Now, at the hearing are these same questions going --

MR. TORLEY: Yeah. Again, this is an example of the purpose of a preliminary hearing, so they know what's going on.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

June 13, 2001

Jennifer & Gregory Mirecki

17 C Water Wheel Drive

Montgomery, NY 12549

Re: 51-1-82.11

26

Dear Sir/Madam:

According to our records, the attached list of property owners are within five hundred ( 500 ) feet of the above referenced property.

The Charge for this service is \$ 45.00, minus your deposit of \$25.00.

Please remit the balance of \$ 20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/sr

CC: Pat Corsetti, ZBA



51-1-62.12 ✓  
Zev Wolf ✓  
P.O. Box 55  
Rock Tavern, NY 12575

51-2-8 ✓  
Selina & Michael Gross ✓  
3 Karen Court  
Rock Tavern, NY 12575

55-1-31; 55-1-33.222; 55-1-34 ✓  
R& C Mulligan Corp. ✓  
508 Beattie Rd  
Rock Tavern, NY 12575

51-1-75.1 ✓  
Diane & Paul Sherman ✓  
542 Beattie Rd  
Rock Tavern, NY 12575

51-2-9 ✓  
Marjorie & William Byrnes ✓  
5 Wagner Drive  
Rock Tavern, NY 12575

55-1-32.1 ✓  
Carolynn & Raymond Mulligan ✓  
387 Old Museum Rd  
Monroe, NY 10950

51-1-75.2 ✓  
Megan & Michael Perrow ✓  
550 Beattie Rd  
Rock Tavern, NY 12575

51-2-10 ✓  
Kathleen & John Coffey ✓  
3 Wagner Drive  
Rock Tavern, NY 12575

55-1-32.2 ✓  
Edith & Anthony Congelosi ✓  
648 Twin Arch Rd  
Rock Tavern, NY 12575

51-1-75.3 ✓  
Elizabeth & Walter Krupa ✓  
5 DeCamp Ct.  
Stony Point, NY 10980

51-2-11 ✓  
Linda & Robert Kean ✓  
1 Wagner Drive  
Rock Tavern, NY 12575

55-1-33.13 ✓  
Janis Errichetti ✓  
528 Beattie Rd  
Rock Tavern, NY 12575

51-1-76.1 ✓  
William Kelly ✓  
P.O. Box 346  
Blooming Grove, NY 10914

51-2-18 ✓  
Joan & Robert Sadler ✓  
2 Karen Court  
Rock Tavern, NY 12575

55-1-33.211 ✓  
Barbara & Richard Baxter ✓  
511 Beattie Rd  
Rock Tavern, NY 12575

51-1-77.1 ✓  
Mary Ann & Walter Anderson ✓  
572 Beattie Road  
Rock Tavern, NY 12575

51-2-19 ✓  
Richard Worthington ✓  
2 Wagner Drive  
Rock Tavern, NY 12575

55-1-33.221 ✓  
Ann & John Flannery ✓  
519 Beattie Rd  
Rock Tavern, NY 12575

51-1-83.11 ✓  
Cynthia & Stanley Cesark ✓  
531 Beattie Rd  
Rock Tavern, NY 12575

51-2-20 ✓  
Carolan & Andrew Morino ✓  
4 Wagner Dr  
Rock Tavern, NY 12575

51-1-83.12 ✓  
Mircea Digeratu ✓  
241 Beattie Rd  
Rock Tavern, NY 12575

51-2-21 ✓  
Jane & Patrick Dunnigan ✓  
6 Wagner Dr  
Rock Tavern, NY 12575

51-2-6 ✓  
Jeryl & Timothy McNeilly ✓  
7 Karen Court  
Rock Tavern, NY 12575

51-2-31 ✓  
Deborah & Ronald James Baisley ✓  
569 Beattie Rd  
Rock Tavern, NY 12575

51-2-7 ✓  
Kathleen & Ronald Derevjank ✓  
5 Karen Court  
Rock Tavern, NY 12575

51-3-27 ✓  
Kim & Ronald Lodico ✓  
75 James Wilkinson Rd  
Rock Tavern, NY 12575

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

-----X  
In the Matter of the Application for Variance of

Jennifer & Gregory Mirecki

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 01-19.

\_\_\_\_\_  
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at  
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 14 day of June, 20 01, I compared the 26  
addressed envelopes containing the Public Hearing Notice pertinent to this case  
with the certified list provided by the Assessor regarding the above application  
for a variance and I find that the addresses are identical to the list received. I  
then caused the envelopes to be deposited in a U.S. Depository within the Town  
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#557-2001**

**06/13/2001**

**Mirecki, Gregory**

*# 01-19*

*Zoning*

**Received \$ 50.00 for ~~Planning~~ Board Fees on 06/13/2001. Thank you for stopping by  
the Town Clerk's office.**

**As always, It is our pleasure to serve you.**

**Deborah Green  
Town Clerk**



# Fidelity National Title

INSURANCE COMPANY OF NEW YORK

## FILE COPY

File No. HN 26545

**POLICY NO.** 5312-698035

### SCHEDULE A

Date of Policy October 5th, 1999

Amount of Insurance \$78,900.00

1. Name of Insured:  
Gregory Mirecki and Jennifer Mirecki
2. The estate or interest in the land which is covered by this policy is: Fee Simple
3. Title to the estate or interest in the land is vested in:  
Deed dated October 1st, 1999 made by James V. Rinaldi and Karen A. Rinaldi to Gregory Mirecki and Jennifer Mirecki and recorded October 5th, 1999 in the Orange County Clerk's Office in Liber 5160 at page 247.
4. The land referred to in this policy is described as follows:

### SCHEDULE A

HN 26545

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York being known and designated as Lot No. 2 on map entitled "Minor Subdivision of Property for Louise Wagner" dated June 20, 1985 and filed in Orange County Clerk's Office on October 2, 1985 as Map No. 7267.

Countersigned

BY

AUTHORIZED SIGNATORY

JOHN M. WOOD

PRINT NAME HERE



# Fidelity National Title

INSURANCE COMPANY OF NEW YORK

POLICY NO. 5312-698035

## SCHEDULE B

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
2. Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.
3. Rights or claims of parties in possession.
4. Roads, ways, streams or easements, if any, not shown of record, riparian rights and the title to any filled-in lands.
5. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
6. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.
7. The exact acreage of the premises herein will not be insured.
8. Riparian rights, if any, in favor of the premises herein are not insured.
9. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
10. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose".
11. **GRANT:** Liber 708 cp 154
12. **Survey:** Any state of facts a survey of the premises described in Schedule "A" would disclose.
13. We have not been furnished a certified survey of the premises and, in absence of same, the exact courses and distances and acreage of the premises are not insured.
14. No lands lying in the bed or right of way of any street or road abutting or bounding the premises are insured.
15. Subject to rights and easements, if any, acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein, and in, to and over the street adjacent thereto.

CONTINUED

OBJECTION PAGE

HN 26545

16. Subject to Zoning Notes on Map #7267.
17. Filed map indicates lands within 25' of centerline of Beattie Road are to be conveyed to the Town of New Windsor for highway purposes and no lands within 25' of said centerline are insured.
18. Subject to a mortgage made by Gregory Mirecki and Jennifer Mirecki to James Rinaldi and Karen Rinaldi, in the amount of \$35,000.00, dated October 1st, 1999 and recorded October 5th, 1999 in the Orange County Clerk's Office in Liber 7462 of Mortgages at page 316.



**Fidelity National Title Insurance Company  
OF NEW YORK**

**STANDARD NEW YORK ENDORSEMENT  
(OWNER'S POLICY)**

ATTACHED TO AND FORMING A PART OF POLICY NO. 5312-698035  
of FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

1. The following is added to the insuring provisions on the face page of this policy:

"5. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured as shown in Schedule A of this policy."

2. The following is added to Paragraph 7 of the Conditions and Stipulations of this policy:

"(d) If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or incumbrances, except real estate taxes, assessments, water charges and sewer rents."

Nothing herein contained shall be construed as extending or changing the effective date of the policy unless otherwise expressly stated.

**THIS ENDORSEMENT** is made a part of the policy and is subject to the Exclusions From Coverage, Schedules, Conditions and Stipulations therein, except as modified by the provisions hereof.

**FIDELITY NATIONAL TITLE INSURANCE COMPANY  
OF NEW YORK**



By: *W. H. Wimer*  
President

Attest: *Charles H. Wimer*  
Secretary

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE**

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

JAMES V. RINALDI  
KAREN RINALDI

A.

TO

GREGORY MIRECKI  
JENNIFER MIRECKISECTION 51 BLOCK 1 LOT 82.11RECORD AND RETURN TO  
(Name and Address)**FILE COPY****THIS IS PAGE ONE OF THE RECORDING**

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

BRIAN GILMARTIN, ESQ.  
P.O. Box 478  
Washingtonville, NY 10992**DO NOT WRITE BELOW THIS LINE**INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐**PROPERTY LOCATION**

\_\_\_ 2089 BLOOMING GROVE (TN)  
\_\_\_ 2001 WASHINGTONVILLE (VLG)  
\_\_\_ 2289 CHESTER (TN)  
\_\_\_ 2201 CHESTER (VLG)  
\_\_\_ 2489 CORNWALL (TN)  
\_\_\_ 2401 CORNWALL (VLG)  
\_\_\_ 2600 CRAWFORD (TN)  
\_\_\_ 2800 DEERPARK (TN)  
\_\_\_ 3089 GOSHEN (TN)  
\_\_\_ 3001 GOSHEN (VLG)  
\_\_\_ 3003 FLORIDA (VLG)  
\_\_\_ 3005 CHESTER (VLG)  
\_\_\_ 3200 GREENVILLE (TN)  
\_\_\_ 3489 HAMPTONBURGH (TN)  
\_\_\_ 3401 MAYBROOK (VLG)  
\_\_\_ 3689 HIGHLANDS (TN)  
\_\_\_ 3601 HIGHLAND FALLS (VLG)  
\_\_\_ 3889 MINISINK (TN)  
\_\_\_ 3801 UNIONVILLE (VLG)  
\_\_\_ 4089 MONROE (TN)  
\_\_\_ 4001 MONROE (VLG)  
\_\_\_ 4003 HARRIMAN (VLG)  
\_\_\_ 4005 KIRYAS JOEL (VLG)

\_\_\_ 4289 MONTGOMERY (TN)  
\_\_\_ 4201 MAYBROOK (VLG)  
\_\_\_ 4203 MONTGOMERY (VLG)  
\_\_\_ 4205 WALDEN (VLG)  
\_\_\_ 4489 MOUNT HOPE (TN)  
\_\_\_ 4401 OTISVILLE (VLG)  
\_\_\_ 4600 NEWBURGH (TN)  
\_\_\_ 4800 NEW WINDSOR (TN)  
\_\_\_ 5089 TUXEDO (TN)  
\_\_\_ 5001 TUXEDO PARK (VLG)  
\_\_\_ 5200 WALLKILL (TN)  
\_\_\_ 5489 WARWICK (TN)  
\_\_\_ 5401 FLORIDA (VLG)  
\_\_\_ 5403 GREENWOOD LAKE (VLG)  
\_\_\_ 5405 WARWICK (VLG)  
\_\_\_ 5600 WAWAYANDA (TN)  
\_\_\_ 5889 WOODBURY (TN)  
\_\_\_ 5801 HARRIMAN (VLG)

**CITIES**

\_\_\_ 0900 MIDDLETOWN  
\_\_\_ 1100 NEWBURGH  
\_\_\_ 1300 PORT JERVIS  
\_\_\_ 9999 HOLD

NO. PAGES 3 CROSS REF         
CERT. COPY        ADD'L X-REF         
MAP #        PGS.         
PAYMENT TYPE: CHECK ☒  
CASH         
CHARGE         
NO FEE       

CONSIDERATION \$ 70,500-  
TAX EXEMPT       MORTGAGE AMT \$         
DATE       **MORTGAGE TAX TYPE:**

\_\_\_ (A) COMMERCIAL/FULL 1%  
\_\_\_ (B) 1 OR 2 FAMILY  
\_\_\_ (C) UNDER \$10,000  
\_\_\_ (E) EXEMPT  
\_\_\_ (F) 3 TO 6 UNITS  
\_\_\_ (I) NAT. PERSON/CR. UNION  
\_\_\_ (J) NAT.PER-CR.UN/1 OR 2  
\_\_\_ (K) CONDO

*Donna L. Benson*  
DONNA L. BENSON  
Orange County Clerk

RECEIVED FROM: Mike n DaleLIBER **5160** PG **247**

LIBER 5160 PAGE 247

ORANGE COUNTY CLERKS OFFICE 56332 LAL  
RECORDED/FILED 10/05/1999 04:10:45 PMFEES 44.00 EDUCATION FUND 5.00  
SERIAL NUMBER: 002369  
DEED CNTL NO 63948 RE TAX 282.00



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 1 day of Oct, in the year 1988  
BETWEEN JAMES V. RINALDI  
KAREN RINALDI  
residing at 12 Scotchtown Avenue  
Goshen, New York 10924

party of the first part, and GREGORY MIRECKI  
JENNIFER MIRECKI  
residing at 17C Waterwheel Drive  
Montgomery, NY 12549  
*Being Husband & Wife.*

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York being known and designated as Lot No. 2 on Map entitled "Minor Subdivision of Property for Louise Wagner" dated June 20, 1985 and filed in Orange County Clerk's Office on October 2, 1985 as Map No. 7267.

Tax Map  
Designation

Dist.

Sec.

Blk.

Lot(s)

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.


AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
JAMES V. RINALDI

  
KAREN RINALDI

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of Orange } ss.:

On the 1 day of Oct in the year 1999  
before me, the undersigned, personally appeared James V.  
Rinaldi and Karen Rinaldi  
personally known to me or proved to me on the basis of satisfactory  
evidence to be the individual(s) whose name(s) is (are) subscribed to the  
within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their capacity(ies), and that by his/her/their signature(s) on  
the instrument, the individual(s), or the person upon behalf of which the  
individual(s) acted, executed the instrument.

BRIAN G. GILMARTIN  
Notary Public, State of New York  
No. 02GI6022793  
Qualified in Orange County  
Commission Expires April 5, 20 01

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:  
(New York Subscribing Witness Acknowledgment Certificate)

State of New York, County of } ss.:

On the day of in the year  
before me, the undersigned, personally appeared

the subscribing witness to the foregoing instrument, with whom I am  
personally acquainted, who, being by me duly sworn, did depose and  
say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number, if  
any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing  
instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed  
his/her/their name(s) as a witness thereto.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of } ss.:

On the day of in the year  
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory  
evidence to be the individual(s) whose name(s) is (are) subscribed to the  
within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their capacity(ies), and that by his/her/their signature(s) on  
the instrument, the individual(s), or the person upon behalf of which the  
individual(s) acted, executed the instrument.

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY:  
(Out of State or Foreign General Acknowledgment Certificate)

..... } ss.:

(Complete Venue with State, Country, Province or Municipality)

On the day of in the year  
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory  
evidence to be the individual(s) whose name(s) is (are) subscribed to the  
within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their capacity(ies), that by his/her/ their  
signature(s) on the instrument, the individual(s), or the person upon  
behalf of which the individual(s) acted, executed the instrument, and  
that such individual made such appearance before the undersigned  
in the

(Insert the city or other political subdivision and the state or country or  
other place the acknowledgment was taken).

BARGAIN & SALE DEED

WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE NO. HN 26545

JAMES V. RINALDI  
KAREN RINALDI  
TO

GREGORY MIRECKI  
JENNIFER MIRECKI

DISTRICT  
SECTION 51  
BLOCK 1  
LOT 82.11  
COUNTY OR TOWN

RECORDED AT REQUEST OF

Fidelity National Title Insurance Company of New York  
RETURN BY MAIL TO

FIDELITY NATIONAL TITLE INSURANCE

COMPANY OF NEW YORK  
INCORPORATED 1928



"Approvals the Fidelity Difference"

Member New York State Land Title Association

Brian Gilmartin, Esq.  
P.O. Box 478  
Washingtonville, NY 10992

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 5160PG 249

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
APPLICATION FOR VARIANCE

# 01-19

Date: 6/12/01

I. Applicant Information:

- (a) Gregory and Jennifer Mirecki, 17C Waterwheel, Montgomery, NY 12541  
(Name, address and phone of Applicant) 845-457-2447 (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) James Casazza, 19 South Street, Washingtonville, NY 10992, 845-496-916  
(Name, address and phone of attorney)
- (d) Chad Marrell, 1 Eagle Ct, Sparrowbush, NY 12780, 845-856-7951  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☐ Area Variance ☒ Interpretation

III. Property Information:

- (a) R-1 Beattie Road, Rock Tavern, NY 12575 51/1/82.11 5 acres  
(Zone) (Address) (S/B/L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 10/1/99
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: 3 bay garage
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_,  
to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes\_\_\_\_ No\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

---



---



---



---

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

---



---



---



---



---

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

---



---

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. A - Use not permitted in R-1 Zone.

(b) Describe in detail the proposal before the Board:

The proposal is a one family dwelling with a mother's wing. The house will have one meter and one heating system. We will share a utility room with nonlockable doors.

---



---



---



---

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

The mother's wing will at no time ever be used as a rental.

Copy of referral from Bldg./Zoning Insp. or Planning Bd.  
Copy of tax map showing adjacent properties.  
Copy of contract of sale, lease or franchise agreement.  
Copy of deed and title policy.  
Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.  
Copy(ies) of sign(s) with dimensions and location.  
Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.  
Photographs of existing premises from several angles.

X. Affidavit.

Date: 6/12/04

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Jennifer Muecki  
(Applicant)

Sworn to before me this

124<sup>th</sup> day of June, 192001.

XI. ZBA Action:

(a) Public Hearing date:

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2001.

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 5/1/01

**COPY**

APPLICANT: Gregory & Jennifer Mirecki  
17C Water Wheel Drive  
Montgomery, NY 12549

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Two Family Dwelling

LOCATED AT: Beattie Road

ZONE: R-1      Sec/ Blk/ Lot: 51-1-82.11

DESCRIPTION OF EXISTING SITE: 48-12 Bulk Tables R-1 Use

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Two Family Dwellings are not a permitted use in the rural residential district (R-1).

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1      USE: One Family  
Dwelling

Two Family  
Dwelling

Two Family  
Dwelling

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

APR 26 2001

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2001-342

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Gregory and Jennifer Mirecki

Address Beattie Rd. New Windsor Phone # 457-2667

Mailing Address 17 C Water Wheel Montgomery, NY 12549 Fax # 426-5508

Name of Architect John C. Horton

Address PO Box 938 Wurtsboro, NY 12790 Phone 845 888 4248

Name of Contractor Chad Martell

Address 2 Eagle Ct. Sparrow Bush, NY 12780 Phone 845 856 7951

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

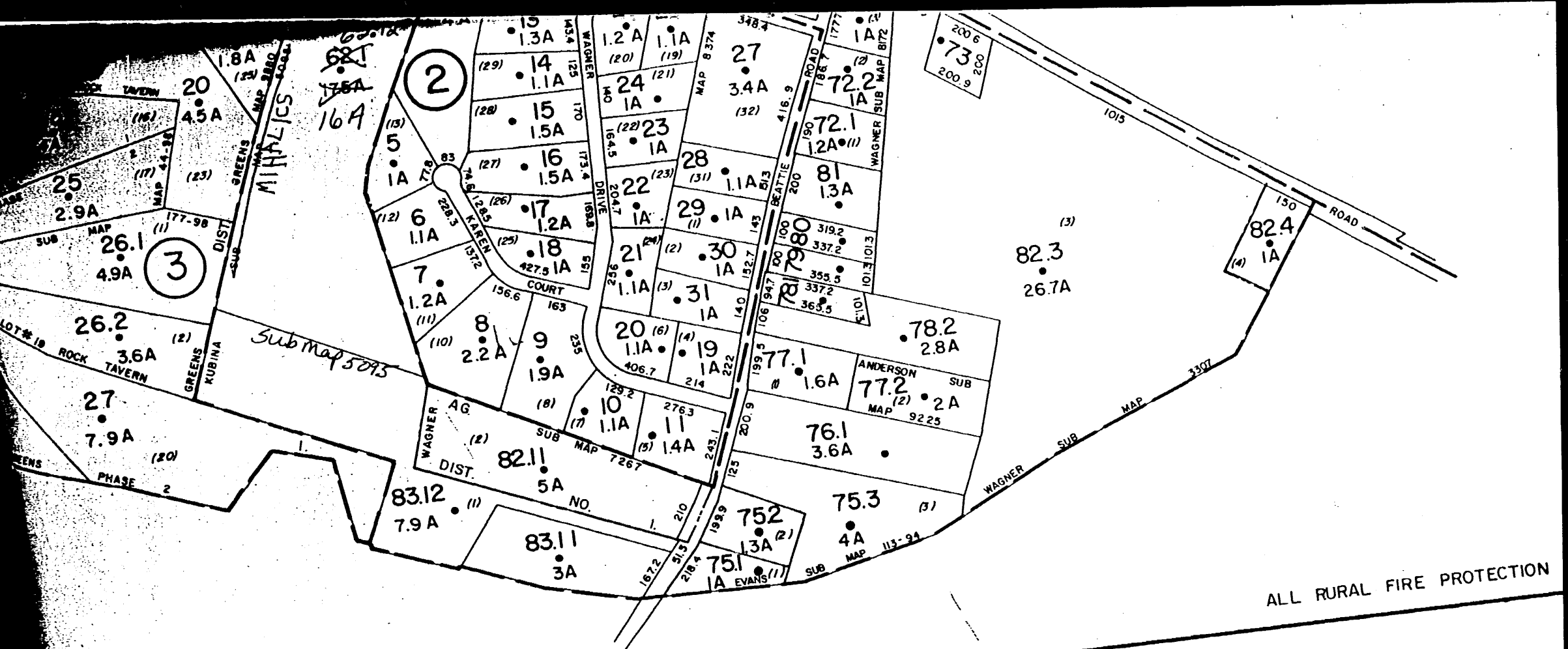
If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the North side of Beattie Rd.  
and ~ 95' feet from the intersection of Beattie Rd + Wagner Dr.  
(N, S, E or W)
2. Zone or use district in which premises are situated R3 Is property a flood zone? Y N X
3. Tax Map Description: Section 51 Block 1 Lot 82.11
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy none b. Intended use and occupancy residence
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 82' Rear 82' Depth 54' Height 30' No. of stories 2
8. If dwelling, number of dwelling units: 2 - Total - Mother / Daughter  
Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms 4 Baths 3 Toilets 4 Heating Plant: Gas \_\_\_\_\_ Oil X  
Electric/Hot Air No Hot Water Yes If Garage, number of cars 3
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost 384,000 Fee \_\_\_\_\_

**PAID**

CH #1242  
pd \$2,000  
4/27/01



# ORANGE COUNTY~NEW YORK

TOWN OF NEW WIN

Photo No: 8-499,500  
Date of Photo: 3-1-65

Date of Map: 9-24-67  
Date of Revision: 3-1-99

Section No. 51

Scale: 1" = 400'



Pls. publish immediately. Send bill to Applicant @ 17C Waterwheel  
Montgomery, NY 12549.

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 19.

Request of Greg + Jennifer Mirecki

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation of single-family use of proposed  
residence;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs. - Col. A.

for property situated as follows:

541 Beattie Road, Rock Tavern, New Windsor

known and designated as tax map Section 51, Blk. 1 Lot 82.11

PUBLIC HEARING will take place on the 25<sup>th</sup> day of June, 2001, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
Chairman

By: Patricia A. Corsetti, Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 01-19.

Date: 6/12/01.

I. Applicant Information:

- (a) Gregory and Jennifer Mirecki, 17C WaterWheel, Montgomery, NY 12549  
(Name, address and phone of Applicant) 845-457-2667 (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) James Casazza, 19 South Street, Washingtonville, NY 10992, 845-496-9166  
(Name, address and phone of attorney)
- (d) Chad Martell, 1 Eagle Ct, Sparrowbush, NY 12780, 845-856-7951  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☐ Area Variance ☒ Interpretation

III. Property Information:

- (a) R-1 Beattie Road, Rock Tavern, NY 12575 51/1/82.11 5 acres  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 10/1/99
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: 3 bay garage
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes\_\_\_\_ No\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A.

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

---



---



---



---

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: A/A.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

---



---



---



---

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

---



---

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. A - Use not permitted in R-I Zone.

(b) Describe in detail the proposal before the Board:

The proposal is a one family dwelling with a mother's wing. The house will have one meter and one heating system. We will share a utility room with nonlockable doors.

---



---



---



---

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



